

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, APRIL 2, 2002 AT 10:00 A.M.
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ADOPTION AGENDA, HEARINGS

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**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, APRIL 2, 2002 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

NOTE: Due to the Cesar Chavez holiday, the meeting of Monday, April 1, 2002 will be held in conjunction with the regularly scheduled meeting of Tuesday, April 2, 2002.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at 236-6233.

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7540.

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

SPECIAL ORDERS OF BUSINESS

ITEM-30: Wayne Baglin Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1142)

Recognizing Wayne Baglin for the work and expertise that he provides to the San Diego Regional Water Quality Board;

Proclaiming April 2, 2002 to be "Wayne Baglin Day" in San Diego.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject**, regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50, 51, 52 and 53.

ORDINANCES TO BE INTRODUCED:

Items 54.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115 and 116.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-50: Amendments to San Diego Municipal Code, Chapter II, Article 4.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 3/18/2002. (Council voted 8-0. Councilmember Madaffer not present):

(O-2002-75)

Amending Chapter 2, Article 4, of the San Diego Municipal Code by amending Division 1 by amending Section 24.0103; by amending Division 6 by repealing and reenacting Division 6; by amending Division 7 by repealing and reenacting Division 7; by amending Division 9 by repealing and reenacting Division 9; by amending Division 10 by repealing Sections 24.1008 and 24.1009; by amending Division 11 by repealing Section 24.1101; by amending Division 14 by amending Section 24.1405; by amending Division 15 by amending Sections 24.1502 and 24.1507; and by amending Division 17 by amending Section 24.1704, all relating to the San Diego City Employees' Retirement System.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-51: Proposed Revision to the San Diego Municipal Code Regarding Cardrooms.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 3/18/2002. (Council voted 7-1. Deputy Mayor Stevens voted nay. Councilmember Madaffer not present):

(O-2002-112)

Amending Chapter 3, Article 3, Division 39 of the San Diego Municipal Code by

amending Section 33.3911, relating to Cardroom Regulations, to allow all card games that are lawful in the State of California and approved by the Division of Gambling Control of the State Department of Justice to be played in any cardroom within the City's jurisdiction.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-52: Torrey Highlands Rezoning.

(RZ-40-0315. Torrey Highlands Subarea IV Plan Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 3/19/2002. (Council voted 8-0. Councilmember Madaffer not present):

(O-2002-111)

Rezoning 27.66 acres of a 79.02 acre site, located west of Camino Ruiz and on the north and south sides of State Route 56, from the AR-1-1 zone to the IP-2-1, CR-1-2 and OC-1-1 zones.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-53: Office Space Lease Amendment - Executive Complex - 10th Floor.

(Centre City Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 3/18/2002. (Council voted 8-0. Councilmember Madaffer not present):

(O-2002-113)

Authorizing the City Manager to execute a Fourth Amendment to Lease Agreement with Executive One Associates for office space.

Aud. Cert. 2200877.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

- * ITEM-54: Proposal to Amend Municipal Code Section 35.0111 to Reflect an Increase in the Room Rental Charge Amount Exempt from TOT from \$20 to \$25 per night.

(See City Manager Report CMR-02-041.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2002-103)

Introduction of an Ordinance amending Municipal Code Chapter 3, Article 5, Division 1, by amending Section 35.0111 relating to Transient Occupancy Tax Exemptions.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 2/27/2002, RULES voted 4-0 (Councilmembers Wear, Atkins, Madaffer and Mayor Murphy voted yea. Councilmember Stevens not present) to approve the City Manager's recommendation contained in City Manager's Report CMR-02-041.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Cancellation of the 9:00 a.m., Wednesday, May 29, 2002, Natural Resources and Culture Committee Meeting.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1269)

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period of January 1, 2002 through December 31, 2002 to cancel the Committee on Natural Resources and Culture meeting of Wednesday, May 29, 2002, at 9:00 a.m.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-101: Two actions related to Awarding Water and Sewer Group 539.

(See Frank Belock Jr.'s 11/6/2001 memo. Centre City and Barrio Logan Community Areas. Districts-2 and 8.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-2002-1015)

Authorizing the City Manager to accept the lowest responsible bid of BRH Garver for the construction of Water and Sewer Group 539;

Authorizing the City Manager to award a phase funded contract to BRH Garver in an amount not to exceed \$4,215,201.75;

Authorizing the expenditure of funds on Phase 1 of the project in the amount of \$2,983,945.52, of which \$1,653,762.70 is from CIP-73-852.5, Water and Sewer Group Job 539, and \$1,330,182.82 is from CIP-44-311.9, Water and Sewer Group Job 539;

Authorizing the additional expenditure of funds in an amount not to exceed \$575,090.58 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and an amount not to exceed \$167,225.17 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for such expenditure are or will be on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K01067C)

Subitem-B: (R-2002-1160)

Declaring that the information contained in Environmental Impact Report SCH-98121003, certified by Resolution R-292363, adopted on October 26, 1999, has been reviewed and considered by Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with the approval of the construction of Water and Sewer Group 539; directing the City Clerk to file a Notice of Determination with the Clerk of the Board of Supervisors.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/14/2001, NR&C voted 4-0 (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present) to approve with direction to the City Manager to report back to the Natural Resources and Culture Committee on recent project cost increases in light of the increased quantity of CIP projects expected in the near future.

CITY MANAGER SUPPORTING INFORMATION:

Water and Sewer Group 539 is part of the City of San Diego's continuing Annual Water and Sewer Main Replacement Program. The work consists of replacing approximately 12,200 feet (2.31 miles) of water main and 9,700 feet (1.84 miles) of sewer main. Also, this project includes the construction of thirty-one (31) pedestrian ramps and the slurry sealing or resurfacing of the impacted streets.

This project lies in the Centre City and Barrio Logan Community Planning areas within the area bounded by Third Avenue and 17th Street on the east and west and bounded by Market Street and National Avenue on the north and south. Residents will be notified by mail at least one month before construction begins by the Water Department and again ten days before construction begins by the contractor through hand distribution.

The existing sewer and water mains were installed as early as 1917 and are now undersized and have experienced many breaks and stoppages. Replacement of these deteriorated water and sewer mains will continue to provide the community with a safe and reliable water and sewer infrastructure well into the next century.

This project was previously authorized by Council on June 5, 2001. The bid opening date was September 4, 2001. There were 32 bid packages mailed and 5 bid packages received. BRH Garver was the lowest responsible bidder, with a bid which was 16.28% higher than the engineering estimate, which therefore requires additional funding.

FISCAL IMPACT:

This action brings the total cost to \$6,018,580.75 of which \$5,276,265 was previously authorized on June 5, 2001, by Resolution R-294986. The additional amount of \$575,098.56 is available from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and \$167,225.17 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement. This project is scheduled to be phase-funded over two years, from FY2002 to FY2003. Funding for Phase I is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement in the amount of \$1,330,182.82 and in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement in the amount of \$1,653,762.70.

Loveland/Belock/HR

Aud. Cert. 2200778.

WWF-02-559.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-102: Two actions related to Awarding South Pacific Highway Trunk Sewer and Water Group 535.

(See memorandum from Frank Belock, Jr. dated 12/5/2001. Centre City Community Area. District-2.)

TODAY'S ACTION IS:

Adopt the following resolutions:

Subitem-A: (R-2002-1018)

Accepting the lowest responsive bid of Cal Southwest Construction, Inc., and authorizing the City Manager to award a phase funded contract to Cal Southwest Construction in accordance with the Contract on file in the Office of the City Clerk as Document No. 175781, in an amount not to exceed \$4,888,574.74;

Authorizing the expenditure of funds on Phase I of the Project in an amount not to exceed \$2,980,900, of which \$1,447,504 is from Sewer Fund 41506, CIP-40-928.0, South Pacific Highway Trunk Sewer; \$116,000 is from Sewer Fund 41506, CIP-46-193.0, Annual Allocation, Pool Contingency and \$1,417,396 is from Water Fund 41500, CIP-73-083.0, Annual Allocation, Water Main Replacement;

Authorizing the additional expenditure of funds on the Project in an amount not to exceed \$225,421 from Water Fund No. 41500, CIP-73-083.0, Annual Allocation Water Main Replacement, Sub CIP-73-852. 1, and an amount not to exceed \$746,903.74 from Sewer Fund No. 41506, CIP-40-928.0, South Pacific Highway Trunk Sewer, to supplement the funding authorized by Resolution R-295524 for the purpose of funding construction, contingency, and other Project-related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for such expenditure are or will be on deposit with the City Treasurer;

Authorizing the transfer of an amount not to exceed \$1,122,304 from Sewer Fund 41506, CIP-46-195.0, Belt Street Trunk Sewer to Sewer Fund 41506, CIP-40-928.0, South Pacific Highway Trunk Sewer;

Authorizing the use of City Forces in an amount not to exceed \$160,000 for Fiscal Year 2002, and in an amount not to exceed \$200,000 for Fiscal Year 2003, from Water Fund 41500, CIP- 73-083.0, Water Main Annual Allocation, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for such expenditure are or will be on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budget funds, if any, to the appropriate reserves. (BID-K02017C)

Subitem-B: (R-2002-1019)

Declaring that the information contained in Mitigated Negative Declaration LDR-40-0762, certified by Resolution R-295525, adopted on October 2, 2001, including any comments received during the public review process, has been reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with the approval of the construction of South Pacific Highway Trunk Sewer and Water Group 535.

Directing the City Clerk to file a Notice of Determination (NOD) with the clerk of the Board of Supervisors for the County of San Diego.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 12/12/2001, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

The South Pacific Highway Trunk Sewer and Water Group 535 project is part of the continuing Annual Capital Improvements Program to replace old concrete sewer and cast iron water mains.

This project is proposing to install approximately 4,018 feet of 33-inch trunk sewer and approximately 1,717 feet of 15-inch, 12-inch, 10-inch, and 8-inch sewer main, and to replace 9,298 feet of existing 10-inch cast iron pipe with 12-inch PVC pipe. This project is located within the Centre City Community area. The design has been completed through coordination with the Centre City Development Corporation. The proposed sewer and water mains are located on Pacific Highway, West Ash Street, A Street, Broadway, Columbia Street, State Street, Kettner Boulevard, and North Harbor Drive.

Traffic control plans were produced to ensure safety in the area. Due to heavy traffic at the intersection of Grape Street and Pacific Highway, construction at this area will be operated at night, between 9:00 p.m. and 5:00 a.m. Per MTDB's requirement, construction at the areas adjacent to railroad tracks on West Ash Street, A Street, Broadway, and Kettner Boulevard will also be operated at night. On the other streets, construction will be operated during the day, between 8:30 a.m. and 3:00 p.m.

This project was approved by the City Council on October 2, 2001. Bids were opened on October 4, 2001. There were twenty-six (26) bid packages issued and five (5) bid packages received. Cal Southwest Construction, Inc., is the lowest bidder with a bidding amount of \$4,888,574.74 which is 19.23% higher than the engineering estimate. Council action is requested to provide additional funding for the project. Contractors who did not bid were

contacted, and it was determined that readvertising would not likely result in lower bids.

FISCAL IMPACT:

Total funding required for this project is \$6,691,324.74 of which \$5,719,000 was previously authorized on October 2, 2001, by Resolution R-295524. Additional funding in the amount of \$225,421 is available from Water Fund No. 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, and \$746,903.74 from Sewer Fund No. 41506, CIP-40-928.0, South Pacific Highway Trunk Sewer. This project will be phase-funded, \$2,980,900 in FY 2002 and \$3,710,424.74 in FY 2003.

Loveland/Belock/HR

Aud. Cert. 2200858.

WWF-02-566.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-103: Re-advertising and Awarding of Construction Contract for Sewer Pump Stations 77A and 77B.

(See memorandums from Ann Sasaki dated 1/28/2002 and Scott Tulloch dated 1/23/2002. Rancho Bernardo, San Pasqual, Lake Hodges Community Areas. District-5.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1082)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Sewer Pump Station 77A and 77B on Work Order No. 173912;

Authorizing the City Manager to establish contract funding phases and execute a contract with the lowest responsible bidder, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for the expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the expenditure for construction, contingency, and related costs for this project of an amount not to exceed \$932,649 over the \$4,643,750 previously authorized by Council Resolution R-291390 for a revised authorized expenditure

of an amount not to exceed \$5,576,399. (BID-K01114A)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/30/02, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

This project is part of the City of San Diego's continuing Annual Sewer Pump Station Rehabilitation Program. This project will upgrade existing Sewer Pump Stations 77A and 77B (SPS 77 A&B), which have experienced numerous mechanical failures due to electrical malfunctions and mechanical wear to current standards. Sewer Pump Station 77A is located in the Rancho Bernardo Community area. Booster Sewer Pump Station 77B is located in the San Pasqual/Lake Hodges Community area.

On July 14, 1997, the City Council approved a contract with Brown and Caldwell Engineering (B&C) to provide design services for SPS 77 A&B. On March 23, 1999, the City Council approved the advertisement for bids for SPS 77A&B upgrades. This action allocated \$3.5 million for construction. Subsequently, this project was put on hold pending studies on how to best manage the wastewater flows from the Rancho Bernardo area. On July 17, 2000, the City Council approved an amendment to the design contract with B&C to investigate the conveyance of wastewater flows south to the City's metropolitan sewerage system.

On July 23, 2001, pursuant to Resolution R-295170, the City Council approved the advertisement for Bids for the upgrade of SPS 77 A&B. The bids were opened on October 4, 2001. The low bidder did not meet the City's Subcontractor Outreach Program (SCOPE) requirements, and the second low bid was \$1.8 million over the engineer's estimate of \$3.3 million. Because of this, it was decided to reject all bids, not award the contract, and take the opportunity to clarify the plans and specifications and to incorporate new electrical switching gear. The new engineering estimate for construction is \$4,655,595.

This action will authorize the City Manager to re-advertise and award the construction contract for the upgrade of SPS 77 A&B.

FISCAL IMPACT:

The total project cost is \$5,576,399 of which \$4,643,750 has been previously authorized by Resolution No. R-291390 on March 23, 1999. The total of this request is \$932,649. Funds are available in Sewer Fund No. 41506, CIP-46-106.0, Annual Allocation for Sewer Pump Station Rehabilitation. It is anticipated that this contract will be phase-funded in the amount of \$4,182,370 for Fiscal Year 2003, and \$1,394,029 for Fiscal Year 2004.

Mendes/Tulloch/AKS

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-104: Grant Application - Property Acquisition along the San Diego River.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1186)

Authorizing the application for and expenditure of State Grant Funds to Acquire Property for the San Diego River Park.

CITY MANAGER SUPPORTING INFORMATION:

The Riparian and Riverine Habitat Grant Program administered by the California Department of State Parks was created through the 2000 Park Bond, approved by California voters in March 2000. The grant program is to provide funds on a competitive basis to increase public recreational access, awareness, understanding, enjoyment, protection and restoration of California's irreplaceable rivers and streams. The maximum grant award under the program guidelines is \$400,000.

This action authorizes the City Manager to apply for grant funds to acquire 17.83 acres of open space along the San Diego River at the corner of Qualcomm Way and Camino del Rio North. Based upon the review of the grant program criteria, this project was identified as highly competitive for possible funding. The acquisition of the land will be cornerstone acquisition for a river park along the San Diego River.

Based upon Real Estate Assets Department (READ) staff's conversation with the private owner of the land, they will sell the property if the City acquires an additional 3.20 acres of open space land along the south side of Qualcomm Way and Camino del Rio North. Both the READ and Park and Recreation Department staff support the additional acquisition for open space purposes. This Council action authorizes the City Manager to include this property in the acquisition along with the 17.83 acres identified in the grant application for a total of 21.03 acres of open space lands.

Prior to the expenditure of any authorized funding, Real Estate Assets Department will complete a formal appraisal verifying the actual cost of the property to be acquired. The project is consistent with the City's General Plan and Mission Valley Community Planning, and is supported by a number of environmental and community groups.

FISCAL IMPACT:

The total cost of this acquisition project is \$1,000,000. If the \$400,000 grant is secured, a total of \$600,000 (\$50,000 Fund 10571 and \$550,000 Fund 30252) will be used to acquire approximately 21.03 acres of open space lands in the Mission Valley Community Planning Area.

Herring/Williams/SLM

Aud. Cert. 2200919.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-105: Automated Collision Scene Documentation Grant from the State of California Office of Traffic Safety.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1187)

Authorizing the Chief of Police to apply for, accept, manage and expend funds for the Automated Collision Scene Documentation Grant;

Declaring that the authorization shall include all aspects of fund acceptance, operation, contracts, expenditures, and certifications, and that the City will comply with all applicable statutory and/or regulatory requirements related to this appropriation;

Authorizing the Chief of Police to accept, expend and administer any amendments, extensions, renewals, or future funding of the project for a period of up to five years, provided funding is made available by the State of California.

CITY MANAGER SUPPORTING INFORMATION:

This project is funded by the California Office of Traffic Safety (OTS). Approximately \$50,000 in grant funds will be used for the purchase, adaptation, and field deployment of specialized equipment to enable investigators to efficiently document serious and/or fatal injury collision scenes while in the field, and download the information into a software system.

The grant will fund collision diagraming software, two electronic data collectors, five digital cameras, one large-format printer, one desktop computer, and two laptop computers. The program will provide computer generated diagrams and data for the Police Department and safety engineers to analyze and evaluate the need for expanded enforcement and/or engineered safety improvements at collision locations.

The objectives of the project are to improve public safety, enhance investigation accuracy, reduce officer out-of-service and preparation time, and improve courtroom presentations. By standardizing and automating the collection and documentation of collision scene information, both in the field and in the office, the project will reduce the time that public roadways are closed due to collisions, return officers to duty faster, and facilitate more efficient and professional court presentations. The end product will be increased public safety through the ability to identify and rectify problem locations and features, and more effective prosecution of dangerous drivers.

FISCAL IMPACT:

OTS will provide approximately \$50,000 for the purchase, adaptation and deployment of collision scene documentation equipment. There is no requirement for matching funds; however, SDPD has indicated the intent to contribute approximately \$38,934 in staff time for project training and operations. Yearly SDDPC charges will be \$1,229.80 each for the desktop computer and the printer, for a yearly total of \$2,459.60, which will be funded from SDPD's budget. There is no requirement to continue project-related expenditures or services after grant funding is exhausted.

Uberuaga/Bejarano/DJW

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-106: Settlement of Personal Injury Claim of Frederick A. Davis.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1223)

A Resolution approved by the City Council in Closed Session on Tuesday, February 5, 2002, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Inzunza-yea; Mayor-yea and Madaffer-not present.

Authorizing the City Manager to pay the total sum of \$40,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Frederick Davis (Superior Court Case No. GIC758680, Frederick Davis v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$40,000 made payable to Frederick Davis and his attorneys of record Trachtman, Trachtman and Reilly LLP, in full settlement of the lawsuit and all claims;

Declaring that the funds are to be payable from Fund No. 81140, Public Liability Reserve Fund.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the personal injury claim of Frederick A. Davis, against the City of San Diego its agents and employees, as a result of the incident which occurred on April 13, 2000.

Lexin/Lopez/JE

Aud. Cert. 2200911.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-107: Appointments and Reappointments to the International Affairs Board.

(See memorandum from Mayor Murphy dated March 21, 2002 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1251)

Council confirmation of the following appointments and reappointments by the Mayor to serve as members of the International Affairs Board, for terms ending March 1, 2003:

Reappointment

Linda Bejarano Stepp - Chair
Jacqueline S. Corey
Randall C. Phillips

Appointments

Ernest "Mike" Choi replaces Patricia E. Reeve, whose term has expired
Stan C. Chu replaces Li-Rong Lily Cheng, whose term has expired
Joseph Darby replaces Donald D. Goertz, whose term has expired
Maryann Rosenthal replaces Susan T. Walsh, whose term has expired
Anthony Samson replaces David L. Gappa, whose term has expired

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-108: Bike to Work Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-1198)

Proclaiming May 17, 2002 to be “Bike to Work Day” in San Diego and encouraging all San Diegans to consider using alternative means of transportation including bicycles not only on this day but throughout the year.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-109: Mark Kassab Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-1270)

Recognizing the civic contributions of Mark Kassab and commending him for his years of service and boundless generosity to the residents, community organizations and educational institutions of City Heights;

Proclaiming April 2, 2002 to be “Mark Kassab Day” in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-110: Wells Fargo Day.

DEPUTY MAYOR STEVENS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-1190)

Commending Wells Fargo on their 150th Anniversary and proclaiming March 18, 2002 to be “Wells Fargo Day” in San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-111: San Diego Project Heartbeat Month.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1220)

Saluting San Diego Project Heartbeat for its dedication to saving lives and proclaiming April 2002 to be “San Diego Project Heartbeat Month” in San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-112: City of San Diego Volunteer Month.

(See City Manager Report CMR-02-062.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1194)

Proclaiming the month of April 2002 to be “City of San Diego Volunteer Month” to honor City of San Diego volunteers and recognize their accomplishments.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-113: Improvement Agreement for the Santaluz Development at Black Mountain Ranch.

(Black Mountain Ranch Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-914)

Authorizing the City Manager to execute an Improvement Agreement for payment of estimated increased sewer facilities maintenance and replacement costs in the Santaluz Development of the Black Mountain Ranch community.

CITY MANAGER SUPPORTING INFORMATION:

The purpose of this action is to accept funds from the project developer to be paid to the city. The funds are to reimburse the estimated additional costs the City will incur due to deviations in the sewer system which the developer has proposed.

As a requirement of the issuance of a public improvement permit for improvements located within Unit 3 of the Santaluz development in the Black Mountain Ranch community, Santaluz, LLC, a Delaware limited liability company was required to offset the long term estimated expenses for the operation, maintenance, and repair/one time replacement of sewer

facilities that deviate from City standards. The deviations include: a) pumping a portion of the service area that could be served by a gravity sewer system; b) increased length of force mains and higher head pumps; c) using unpaved access roads; d) grading and building pad elevations that require an increased number of mains to be located outside of paved areas; and e) implementing a sewer system alternative that increases the lineal footage of the sewer system well beyond what would normally be required for the number of customers to be served. The estimated cost to the City for these additional maintenance requirements is \$245,172. Santaluz, LLC has agreed to pay the City \$236,372, which represents the additional maintenance costs minus an \$8,800 credit received for additional engineering costs Santaluz, LLC incurred in making sewer stations 87 and 88 compatible with the City SCADA System.

FISCAL IMPACT:

The reimbursement amount of \$236,372 received from Santaluz, LLC will be deposited in Sewer Revenue Fund 41506.

Uberuaga/Christiansen/LK

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-114: Two actions related to Otay Mesa Road Widening - Vernal Pool Preserve Maintenance and Monitoring.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1135)

Authorizing the City Manager to execute a First Amendment to the Agreement with Helix Environmental Planning Inc., in an amount not to exceed \$30,400 for environmental services for the Otay Mesa Widening Project, CIP-52-619.0.

Subitem-B: (R-2002-1189)

Declaring that the information contained in Environmental Impact Report No. 95-0101, certified by Resolution R-288210, adopted on December 10, 1996, has been reviewed and considered by Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of the Otay Mesa Widening Project and the Vernal Pool Mitigation Program; directing the City Clerk to file a Notice of Determination with the Clerk of the Board of Supervisors.

CITY MANAGER SUPPORTING INFORMATION:

The Otay Mesa Road Widening Project provided for the improvement of Otay Mesa Road to a six-lane conventional highway from the easterly terminus of State Route 905 to just east of La Media Road. Construction of this project was completed in January, 2000. Also associated with the Otay Mesa Road Widening Project was the Vernal Pool Mitigation Program which included the restoration of a vernal pool preserve to mitigate the impacts of the road widening project.

The Army Corps of Engineers permit and the U.S. Fish and Wildlife Service Biological Opinion require this project to follow a five year maintenance and monitoring program. The original contract with Helix Environmental Planning, Inc. provided a three year maintenance and biological monitoring within the vernal pool preserve, wildlife corridor, and upland habitat areas. This action will amend the existing contract with Helix Environmental Planning Inc. by an additional two years to meet this maintenance and monitoring program requirement. This amendment will increase the original contract by an additional \$30,400, bringing the total contract amount to \$150,400.

FISCAL IMPACT:

Funding for this agreement is available in CIP- 52- 619.0, Otay Mesa Road Widening.

Loveland/Belock/PB

Aud. Cert. 2200862.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-115: Amendment No. 1 to the Agreement with Lee and Ro, Inc., for Sewer Pump Station 49.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1098)

Authorizing the City Manager to execute a First Amendment to Agreement for Consulting Services for the design of improvements to Sewer Pump Station Number 49 with Lee and Ro, Inc.; authorizing the expenditure of an amount not to exceed \$27,929 from Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restorations.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/13/2002, NR&C voted 4-0 to approve. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

Council authorized an agreement with Lee and Ro on January 9, 2001, Document No. R-294420, for the upgrade of Sewer Pump Station 49. This facility is located along Camino del Rio North in the Mission Valley community. The pump station has been in service since 1982 and needs to be upgraded with the current design and safety standards. This includes an upgrade of the electrical system, installation of a natural gas generator, upgrade the pumps, rehabilitate the wet well, and install an emergency storage tank.

Amendment No. 1 covers the additional services required to accommodate an unforeseen design scope addition. During the design phase it was determined that a new wet well should be installed due to the deteriorated condition of the existing one. The existing one can also be utilized for an overflow tank reducing the possibility of a sewage spill.

The design of a new Wet Well will lead to several plan revisions, including civil, mechanical, and electrical disciplines. The new scope of work will include the proposed wet well and rehabilitation of the existing wet well to be used as an emergency storage tank. This work will require additional research, site investigation, engineering calculations, and coordination with City staff, property owner, Caltrans, and environmental agencies.

FISCAL IMPACT:

The total cost of this agreement is \$194,907. Of this amount, \$166,978 was previously authorized by Council Resolution R-294420. The estimated cost for this Amendment is \$27,929. Funding for this request will come from Sewer Fund 41506, of which \$8,929 is from CIP-46-106.0, Annual Allocation - Sewer Pump Station Restorations, and \$19,000 is from Sub CIP-46-603.0, Sewer Pump Station 49. Total cost of this project, including construction, is estimated at \$1,454,400.

Loveland/Belock/HR

Aud. Cert. 2200804.

WWF-02-571.

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-116: Water and Sewer Group 489 - Contract Change Order No. 3.

(See memorandum from Frank Belock, Jr., dated 2/6/2002. College and Mid-City Community Areas. District-7.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1227)

Approving Change Order No. 3, with Pacific Southwest Construction & Equipment, Inc. (Document No. 172621/182291) for the construction of Water & Sewer Main Replacement Group 489, increasing the contract price by \$572,523;

Authorizing the expenditure of an amount not to exceed \$306,887.08 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and an amount not to exceed \$313,914.92 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement;

Authorizing the use of City Forces on the Project for costs not to exceed \$204,000 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/13/2002, NR&C voted 4 to 0 to approve. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

Water & Sewer Group Job 489 is part of the City's ongoing Concrete Sewer and Cast Iron Water Main Replacement Program. This project was awarded to Pacific Southwest Construction & Equipment, Inc., and includes the replacement of approximately 3,150 linear feet of sewer mains and 2,640 linear feet of water mains. The construction of this project is currently 83% completed.

During construction of the sewer main on Meade Avenue, large cracks and settlements in the pavement developed. These cracks covered the entire street width which necessitates total concrete pavement replacement on Meade Avenue once the construction activities of the 8-inch water and sewer mains are completed. Native soil conditions encountered during construction of the sewer main revealed heavy clay soil mixed with layers of cobbles. These existing soil conditions necessitated trenches beyond normal boundaries, in addition to changing the trench shoring system. Such unforeseen conditions constitute a change in work efforts and therefore are considered extra work.

Similar conditions of poor soil, along with many cracks and settlements, were encountered on El Cerrito Drive between Madison Avenue and El Cajon Boulevard. This section of El Cerrito Drive is asphalt paved and would require repaving to provide safe driving conditions to motorists. Additional City forces work will be required due to the poor soil conditions and shall not exceed \$204,000.

FISCAL IMPACT:

The total cost of this project is \$2,097,130 of which \$1,476,328 was previously authorized. Funding of \$306,887.08 is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and \$313,914.92 is available in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, of which \$572,523 is for Change Order No. 3, and \$48,279 is for related project costs.

Loveland/Belock/HR

Aud. Cert. 2200914.

WWF-02-576.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

COMMITTEE ON NATURAL RESOURCES, AND CULTURE, ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

ITEM-150: Five actions related to Lifeguard and Fire Facility Improvements.

(See City Manager Reports CMR-02-063 and CMR-01-171. Districts-1, 2, 3, 4, 6, 7 and 8.)

TODAY'S ACTIONS ARE:

Adopt the resolutions in Subitems A, C, D, E and Introduce the ordinance in Subitem B:

Subitem-A: (R-2002-1242)

Approving the conceptual financing plan for the remodeling and/or construction of lifeguard facilities and the addition of these facilities to the Fire Facility Financing Plan.

Subitem-B: (O-2002-116)

Introduction of an Ordinance approving proceedings to finance the costs of certain capital improvements of the City; approving issuance of lease revenue bonds by the Public Facility Financing Authority of the City of San Diego of an amount not to exceed \$30,000,000 aggregate principal; approving the forms of and authorizing the execution and delivery of a site lease, a lease, and an official statement; authorizing the procurement of a municipal bond insurance policy (and debt service reserve fund surety bond); and approving and authorizing related documents, official actions and matters in connection therewith.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

Subitem-C: (R-2002-1243)

Designating Site 19, Area A for Fire Station No. 2 - Central Mission Valley;

Authorizing the City Manager to execute a phase-funded consultant agreement with WLC Architects, Inc., for Fire Station No. 2;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$89,400 from CIP-33-098.0, Fire Station Major Components Replacement and Rehabilitation, to CIP-33-101.0, Fire Station 2 - Central Mission Valley, for Phase I of the consultant agreement with WLC Architects, Inc.;

Authorizing the appropriation of an amount not to exceed \$45,000 from Fund 14000, Building Permit Fee District C, to CIP-33-101.0, Fire Station 2 - Central Mission Valley, for the construction of a mini-park adjacent to the fire facility;

Authorizing the expenditure of an amount not to exceed \$89,400, for Phase I of the agreement; and an amount not to exceed \$282,140 for Phase II from CIP-33-101.0, Fire Station 2 - Central Mission Valley, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that such funds are or will be on deposit with the City Treasurer.

Subitem-D: (R-2002-1244)

Authorizing the City Manager to execute a phase-funded agreement with Jeff Katz Architecture, for Fire Station 5 - Uptown;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$68,400 from CIP-33-098.0, Fire Station Major Components Replacement and Rehabilitation, to CIP-33-104.0, Fire Station 5 - Uptown, for Phase I of the consultant agreement with Jeff Katz Architecture;

Authorizing the expenditure of an amount not to exceed \$68,400 from CIP-33-104.0, Fire Station 5 - Uptown, for phase I of the agreement; and an amount not to exceed \$152,100 from CIP-33-104.0, Fire Station 5 - Uptown, for phase II of the agreement, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that such funds are or will be on deposit with the City Treasurer.

Subitem-E: (R-2002-1245)

Authorizing the City Auditor and Comptroller to establish special interest-bearing Fund 30247, Capital Outlay - Fire Stations, to receive lease revenues from the tenant currently using the property on the west side of San Ysidro Boulevard that was recently acquired for Fire Station 29, and using these revenues and any interest earnings for CIP-33-103.0, Fire Station 29 - San Ysidro;

Authorizing the City Auditor and Comptroller to appropriate any monies deposited into Fund 30247, Capital Outlay - Fire Stations, including any interest earned, to CIP-33-103.0, Fire Station 29 - San Ysidro, and to expend these monies, including interest, from CIP-33-103.0 for the purpose of constructing Fire Station 29.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 8/1/2001, NR&C voted 5-0 (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea) to approve the City Manager's recommendations.

Aud. Cert. 2200927.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS RESOLUTIONS:

ITEM-200: Two actions related to Extension of State Route 56, Phase 1 Westerly, and State Route 56/Camino Ruiz Interchange.

(Torrey Highlands and Rancho Peñasquitos Community Areas. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-1049)

Authorizing the City Manager to execute a First Amendment to the Agreement for Funding Camino Ruiz with Western Pacific Housing, Inc.; Len-Greystone Homes, Inc.; Len-Greystone Torrey Highlands, LLC; D.R. Horton San Diego Holding Co., Inc.; and McMillan Companies, LLC in the Torrey Highlands Community Area for extending the State Route 56 Phase I Project, westerly to the State Route 56/Camino Ruiz Interchange, and constructing the eastern half of the Camino Ruiz Interchange;

Authorizing the City Auditor and Comptroller to accept the appropriation of \$11,916,147 from Western Pacific Housing, Inc.; Len-Greystone Homes, Inc.; Len-Greystone Torrey Highlands, LLC; D.R. Horton San Diego Holding Co., Inc.; and McMillan Companies, LLC; to Fund 39225, an interest bearing account, of which \$5,128,247 will be deposited with the City, and \$6,787,900 will be expended by the Developers for design, acquisition of property, construction and other costs related to the Project, CIP-52-643.0;

Authorizing the City Auditor and Comptroller to increase the Capital Improvements Program to increase the appropriation of \$11,916,147 plus any accrued interest from Fund 39225, to the FY2002 Capital Improvements Program, to be utilized for the design, acquisition of property, construction and other costs;

Authorizing the City Manager to negotiate and execute a Supplemental Agreement with E.L. Yeager Construction, under the terms and conditions set forth in the First Amendment to Agreement for purposes of constructing the Project, CIP-52-463.0, upon certification by the Auditor and Comptroller of funds being available;

Authorizing the City Manager to execute a Ninth Amendment to Agreement with Boyle Engineering Corporation for professional engineering services for the Project, CIP-52-463.0, upon certification by the Auditor and Comptroller of funds being available;

Authorizing the expenditure of \$298,523 for the Ninth Amendment to Agreement with Boyle Engineering Corporation for the Project, CIP-52-463.0, of which \$128,647 is from Fund 39225, \$47,301 from Fund 38977, and \$122,575 from Fund 10515, upon certification by the Auditor and Comptroller of funds being available;

Authorizing the expenditure of an amount not to exceed \$2,027,000 from Fund 39225 for the acquisition of property rights, appraisals, litigation, condemnation, labor title, escrow and miscellaneous costs for the Project, CIP-52-463.0, upon certification by the Auditor and Comptroller of funds being available;

Authorizing the expenditure of an amount not to exceed \$9,760,500, of which \$2,972,600 is from Fund 39225, and \$6,787,900 is from Developers, as an in kind contribution for other related design costs and for construction of CIP-52-643.0, upon certification by the Auditor and Comptroller of funds being available;

Authorizing the City Manager to negotiate and execute a Facilities Benefit Assessment (FBA) Cash/Credit and Reimbursement Agreement, for costs associated with the project, which includes reimbursement of \$11,916,147 contingent upon the Auditor and Comptroller first certifying that funds are available in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

Subitem-B: (R-2002-1199)

Declaring that the information contained in Environmental Impact Report LDR-95-0099, certified by Resolution R-290286, adopted on June 16, 1998, has been reviewed and considered by Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with the approval of the First Amendment to the Funding Agreement of the Project;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

CITY MANAGER SUPPORTING INFORMATION:

In December 2000 the City Council approved the original Funding Agreement with the Torrey Highlands Developers to advance the funding for the extension of State Route 56 westerly and

constructing the eastern half of the Camino Ruiz Interchange. In order to expedite the construction of the project and in order to not delay the construction of the middle segment of State Route 56 which is scheduled to begin in July 2002, the original project has been split into separate sub-projects and there has also been increased design, right of way and construction costs which has made it necessary to amend the original Funding Agreement. Sub-projects have included the portion of Camino Ruiz between the on and off ramps (Segment F) and a soil nail retaining wall at the North East Quadrant of the Interchange which are both under construction and have been funded by Western Pacific Housing.

In addition, the construction for the freeway main lanes and ramps has been split into separate contracts to allow the grading, deep drainage facilities, sewer sleeves and main lane paving to be constructed by E.L. Yeager Construction while the current approval from City Council is sought to increase the construction expenditure limit and award the second supplemental contract to E.L. Yeager Construction to complete the remainder of the project. Since the limits of work of E.L. Yeager's current construction contract overlap with the limits of work to complete the project it is not possible to award the second supplemental contract to a contractor other than E.L. Yeager Construction without delaying the completion of the project and causing severe construction coordination problems.

FISCAL IMPACT:

The original Funding Agreement approved by City Council was for \$9,404,340. With the approval of the First Amendment to the Funding Agreement, the new total obligation of the Torrey Highlands Developers will be \$21,320,487.

Loveland/Belock/PB

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Settlement of Claims of Nielsen Dillingham Builders.

(R-2002-1107)

Adopted as Resolution R-296142.

A Resolution approved by the City Council in Closed Session on Tuesday, January 29, 2002, by the following vote: Peters-not present; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$4,530,406 from Fund No. 41509 in full settlement of each and every claim against the City, its agents and employees, brought by Nielsen Dillingham Builders in connection with construction projects at the Metropolitan Biosolids Center and the Point Loma Wastewater Treatment Plant.

Aud. Cert. 2200751.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: Settlement of the Personal Injury Claim of Ms. Sylvia Tivadar and the Property Damage Claim of Mercury Casualty Company.

(R-2002-1224)

Adopted as Resolution R-296215.

A Resolution approved by the City Council in Closed Session on Tuesday, March 19, 2002, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-not present; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$68,892.50 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Ms. Tivadar (Superior Court Case GIC No. 770617, Sylvia Tivadar v. City of San Diego, et al.); and the property damage claim of Mercury Casualty Company (Superior Court Case IC No. 776596, Mercury Casualty Co. v. James A Canale, et al.)

Authorizing the City Auditor and Comptroller to issue two checks: the first check should be in the amount of \$60,000, made payable to Sylvia Tivadar and her attorney, G. Mark Tarpin, 1020 Prospect Street, Suite 306, La Jolla, California, 92037; and the second check should be in the amount of \$8,892.50, made payable to Mercury Casualty Company and their attorney, Karen G. Wood, Esq., P. O. Box 8060, Laguna Hills, California 92654, both in full settlement of all claims.

Aud. Cert. 2200912.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-252: Settlement of Claim and Mutual Release Agreement with Ortiz Corporation.

(R-2002-1236)

Adopted as Resolution R-296216.

A Resolution approved by the City Council in Closed Session on Tuesday, March 19, 2002, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-not present; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$176,829.97 in the settlement of each and every claim against the City, its agents and employees, in accordance with the terms and conditions of the Final Change Order and the Mutual Release Agreement dated November 5, 2002 (Superior Court Case No. 740599, Ortiz Corporation v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$176,829.97, made payable to the Ortiz Corporation, in full settlement of the lawsuit and all claims, from Fund No. 41506-Sewer Fund.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-253: Notice of Pending Final Map Approval.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Park Place Condominiums", (TM-40-0206), a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Centre City Community Plan Area, located between California St. and Kettner Boulevard, "G" Street and Harbor Drive in Council District 2. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days

from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-330: Sharp Ambulatory Care Center Parking Garage.

Matter of approving, conditionally approving, modifying or denying a Planned Development Permit/Conditional Use Permit (PDP/CUP) to amend Conditional Use Permit CUP-88-1297 to allow construction of an approximately 196,598 square-foot six-level, five-story parking structure with rooftop heliport at the existing Sharp Health Care Hospital campus. The project site is located at 7901 Frost Street, and is zoned RS-1-7, within the Serra Mesa Community Plan Area. The parking structure would provide approximately 624 parking spaces. The project includes relocation of an existing ground-level heliport to the roof of the proposed parking structure.

(PDP/CUP-41-0408/Amending CUP-88-1297. Serra Mesa Community Plan area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A; and adopt the resolution in subitem B to grant the permit:

Subitem-A: (R-2002-1239)

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration, LDR-41-0408 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Sharp ACC Parking Garage;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code section 21081.6, the City

Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2002-)

Adoption of a Resolution granting or denying Conditional Use/Planned Development Permit No. 41-0408 amending Conditional Use Permit CUP-88-1297, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on January 24, 2002 voted 4-0 to recommend approval of the project on the consent agenda. One Commissioner recused, and two were absent; no opposition.

Ayes: Garcia, Brown, Anderson, Lettieri

Recusing: Butler

Not present: Schultz, Stryker

The Serra Mesa Community Planning Group on July 19, 2001, voted 11-0-0 to recommend approval of the proposed project.

SUPPORTING INFORMATION:

This is a request for a Conditional Use Permit and Planned Development Permit to allow construction of a six level, 5-story parking structure with rooftop heliport at the existing Sharp Health Care Hospital campus, located at 7901 Frost Street, in the CO-1-2 zone of the Serra Mesa Community Plan area. The proposed structure would provide parking for 626 cars to serve the health care campus, including the new Ambulatory Care Center (ACC). The health care campus has been developed in accordance with existing CUP-88-1297, which amended CUP-88-0523. The campus currently includes the main hospital which has two towers (9 and 12 stories); the 6-story Mary Birch Women's Center; a 5-story parking structure; a single story Rehabilitation Center; a ground-level heliport; and a new 4-story Ambulatory Care Center (ACC) currently under construction. Because the existing CUP-88-1297 does not include provision for a second parking structure on the campus, and the proposed second parking structure could not be found to be in substantial conformance with CUP-88-1297, this project amending CUP-88-1297 has been proposed. A Planned Development Permit is requested to allow deviation from the maximum height limit of the underlying zone (60 ft.). The maximum height of the proposed structure would be approximately 95 feet as measured from the top of the wind sock for the heliport, which extends 15 feet above the top of the elevator shaft. Included in this project is the relocation of the existing ground level heliport to the top of the proposed parking structure. Due to the relocation of the heliport, the decision maker for the project is City Council in accordance with Process 5. The proposed project is in compliance with all applicable regulations of the Land

Development Code.

TRAFFIC IMPACT:

The proposed project is a parking structure and it would not generate any additional trips. The parking structure would provide parking for existing and planned health care facilities on the Sharp Health Care campus. Therefore, the project would have no impact on traffic in the area. Since the project does not generate additional trips, traffic information in the form of a traffic table is not being provided.

FISCAL IMPACT:

None with this action. All Development Services Department processing costs are recovered by a deposit account funded by the applicant.

Ewell/Christiansen/VG

LEGAL DESCRIPTION:

The proposed project is located at 7901 Frost Street, at the southeast corner of Health Center Drive and Frost Street within the Serra Mesa Community Planning Area.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-331: Issuance of Multifamily Housing Revenue Bonds for Stonewood Garden Apartments.

(See San Diego Housing Commission Report HCR02-019. District-2.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1216)

Approving the issuance of multifamily housing revenue bonds in an amount not to exceed \$23,000,000 by the Housing Authority of the City of San Diego for the proposed Stonewood Garden Apartments pursuant to Section 147(f) of the Internal Revenue Code of 1986.

NOTE: See the Housing Authority's Agenda of 4/2/2002 for a companion item.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-332: Issuance of Multifamily Housing Revenue Bonds for Windwood Village Apartments.

(See Housing Authority Report HAR02-002. Pacific Highlands Ranch Subarea III Community Area. District-1.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1217)

Approving the issuance of multifamily housing revenue bonds in an amount not to exceed \$7,500,000 by the Housing Authority of the City of San Diego for the proposed Windwood Village Apartments pursuant to Section 147(f) of the Internal Revenue Code of 1986.

NOTE: See the Housing Authority's Agenda of 4/2/2002 for a companion item.

ADOPTION AGENDA, HEARINGS

NOTICED HEARINGS:

ITEM-333: Crossroads Project Area Committee Formation Procedures.

(See City Manager Report CMR-02-065. Mid-City and College Community Areas. Districts-4 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1136)

Calling for the formation of a Project Area Committee for the proposed Crossroads Redevelopment Project and adopting a procedure for the formation and election of the Project Area Committee.

NOTE: See the Redevelopment Agency Agenda of 4/2/2002 for a companion item.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT